

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

**STEVE JAZEH,**

**Plaintiff,**

**VS.**

**MICHAEL CHERTOFF,  
AS THE DIRECTOR OF  
THE DEPARTMENT OF HOMELAND  
SECURITY, ROBERT S. MUELLER, III  
AS THE DIRECTOR OF FEDERAL  
BUREAU OF INVESTIGATIONS**

## Defendants

FILED: APRIL 8, 2008  
08CV1987 TG  
JUDGE SHADUR  
MAGISTRATE JUDGE ASHMAN

**A# 076-403-742**

# COMPLAINT FOR MANDAMUS

Plaintiff, STEVE JAZEH, by and through, REEM H. ODEH, of the LAW OFFICES OF BRODSKY & ODEH respectfully requests this Court to enter an order directing the Defendant, MICHAEL CHERTOFF, Director of Homeland Security to adjudicate Plaintiff's application for Naturalization. In support of said request, the Plaintiff states as follows:

## JURISDICTION AND VENUE

1. The is a civil action brought pursuant to 8 U.S.C. section 1329, and 28 U.S.C. Sections 1331 and 1361, and Section 1447(b) to redress the deprivation of rights, privileges and immunities secured to Plaintiff, by which statutes jurisdiction is conferred, to compel Defendant to perform a duty Defendant owes to Plaintiff, 5 U.S.C. section 704 also confers jurisdiction.

2. Venue is proper under 28 U.S.C. section 1391(b), since Defendant is the Director of the Bureau of Citizenship and Immigration Services (BCIS), an agency of the United States Government, under the Department of Homeland Security. The Defendant Robert S. Mueller III, is the Director of the federal Bureau of Investigations.

3. This action is brought to compel the defendant, officers and an agency of the United States, to perform its duties arising under the laws of the United States.

4. The APA requires USCIS and the FBI to carry out their duties within a reasonable time. The provision of the APA that provides this is 5 U.S.C. Sec. 555(b), which states that “with due regard for the convenience and necessity of the parties or their representatives and within a reasonable time, each agency shall proceed to conclude a matter presented to it.” USCIS and FBI are subject to 5 USC Sec. 555(b). The Plaintiffs contend that the delays in processing their application for adjustment of status are unreasonable.

### **PARTIES**

5. Plaintiff, Steve Jazeh is a native and citizen of Syria. He became a Legal Permanent Resident of the United States on June 6, 2001.

6. Plaintiff’s alien number is **A#076-403-742**.

7. Defendant, MICHAEL CHERTOFF, is the Director of the Department of Homeland Security. As such, he is charged with the duty of administration and enforcement of all the functions, powers, and duties of Bureau of Citizenship & Immigration Services, the former INS. The Defendant Robert S. Mueller III, is the Director of the federal Bureau of Investigations.

### **CLAIMS FOR RELIEF**

8. On December 19, 2006, Plaintiff filed his application for Naturalization for U.S. Citizenship, paid the appropriate filing fee.

9. On January 23, 2007, the Plaintiff was requested to have his Biometrics completed and fingerprints taken which was successfully completed.

10. That since the filing of the Application for Naturalization which was filed on December 19, 2006, the Plaintiff has never been scheduled for an Interview.

11. Prior to the filing of this Complaint, the Plaintiff has made several attempts with the Defendant to inquire about the status of his application, the Plaintiff or his attorneys have made numerous oral and written requests of the Defendant concerning a final adjudication of said applications. No further action was taken by Defendants in this matter.

12. The Defendant, in violation of the Administrative Procedure Act, is unlawfully withholding or unreasonably delaying a decision on the applications of Plaintiff.

13. Plaintiff has exhausted any remedies that may be exist.

WHEREFORE, Plaintiff prays that the Court:

- A. Compel Defendant and those acting under him to perform their duty to rule upon the Plaintiff's applications;
- B. Grant attorney's fees and cost of court
- C. Grant such other and further relief as this Court sees proper under the circumstances.

Respectfully Submitted,

/s/ Reem H. Odeh

Reem H. Odeh  
Attorney for Plaintiff

**Reem H. Odeh**  
**Law Offices of Brodsky & Odeh**  
8 S. Michigan, Suite 3200  
Chicago, Illinois 60603  
312-701-3000  
312-701-3088(fax)

U.S. Department of Justice  
 Immigration and Naturalization Service

MAGISTRATE JUDGE ASHMAN

**Notice of Entry of Appearance  
 as Attorney or Representative**

**Appearances** - An appearance shall be filed on this form by the attorney or representative appearing in each case. Thereafter, substitution may be permitted upon the written withdrawal of the attorney or representative of record or upon notification of the new attorney or representative. When an appearance is made by a person acting in a representative capacity, his personal appearance or signature shall constitute a representation that under the provisions of this chapter he is authorized and qualified to represent. Further proof of authority to act in a representative capacity may be required. **Availability of Records** - During the time a case is pending, and except as otherwise provided in 8 CFR 103.2(b), a party to a proceeding or his attorney or representative shall be permitted to examine the record of proceeding in a Service office. He may, in conformity with 8 CFR 103.10, obtain copies of Service records or information therefrom and copies of documents or transcripts of evidence furnished by him. Upon request, he/she may, in addition, be loaned a copy of the testimony and exhibits contained in the record of proceeding upon giving his/her receipt for such copies and pledging that it will be surrendered upon final disposition of the case or upon demand. If extra copies of exhibits do not exist, they shall not be furnished free on loan; however, they shall be made available for copying or purchase of copies as provided in 8 CFR 103.10.

In re: Steve Jazeh Date: 04/08/2008  
 File No. A-016-403-742

I hereby enter my appearance as attorney for (or representative of), and at the request of the following named person(s):

Name: <u>Steve Jazeh</u>	<input type="checkbox"/> Petitioner	<input checked="" type="checkbox"/> Applicant
<input type="checkbox"/> Beneficiary		
Address: (Apt. No.) (Number & Street) (City) (State) (Zip Code)		
<u>8520 N. Greenwood</u> <u>Niles, IL</u> <u>60755</u>		
Name:	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Applicant
<input type="checkbox"/> Beneficiary		
Address: (Apt. No.) (Number & Street) (City) (State) (Zip Code)		

Check Applicable Item(s) below:

- ☒ 1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia  
Illinois Supreme Court and am not under a court or administrative agency order suspending, enjoining, restraining, disbaring, or otherwise restricting me in practicing law.  
Name of Court
- ☐ 2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:
- ☐ 3. I am associated with \_\_\_\_\_ the attorney of record previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2 whichever is appropriate.)
- ☐ 4. Others (Explain Fully.)

SIGNATURE <u>Reem H. Odeh</u>	COMPLETE ADDRESS <u>8 S. Michigan Ave., Suite 3200</u> <u>Chicago, Illinois 60603</u>
NAME (Type or Print) <u>Reem H. Odeh</u>	TELEPHONE NUMBER <u>312-701-3000</u>

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS:

Reem H. Odeh

(Name of Attorney or Representative)

THE ABOVE CONSENT TO DISCLOSURE IS IN CONNECTION WITH THE FOLLOWING MATTER:

Name of Person Consenting <u>Steve Jazeh</u>	Signature of Person Consenting <u>Steve Jazeh</u>	Date <u>04/08/2008</u>
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(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)

PERMANENT RESIDENT CARD

JAME JAZEH, STEVE A

INS A# 076-403-742

Birthdate	Category	Sex
11/09/56	F47	M

Country of Birth  
Syria

CARD EXPIRES 06/28/13

Resident Since 06/06/01

C1USA0764037424LIN0222052208<<  
5611090M1306282SYR<<<<<<<<<<4  
JAZEH<<STEVE<A<<<<<<<<<<<<<







Receipt with Exception			NOTICE DATE May 12, 2006
CASE TYPE N400 Application For Naturalization			INS A# A 076 403 742
APPLICATION NUMBER LIN*000905453	RECEIVED DATE May 08, 2006	PRIORITY DATE May 08, 2006	PAGE 1 of 1
APPLICANT NAME AND MAILING ADDRESS STEVE A JAZEH PO BOX 766 ROSEMONT IL 60018		PAYMENT INFORMATION:  Single Application Fee: \$400.00 Total Amount Received: \$400.00 Total Balance Due: \$0.00	
<p>     </p> <p>The above application has been received by our office and is in process, but has been noted with one or more of the following exception(s): Missing Evidence(s) - your application was missing evidence(s) that you will need to provide at the time of your naturalization interview. You will be notified under separate notice of the necessary evidence(s) that you will be required to bring to your interview. Do not submit any evidence(s) by mail.</p>			
<p>Our records indicate your personal information is as follows: Date of Birth: November 09, 1956 Address Where You Live: 8520 N GREENWOOD AVE NILES IL 60714</p>			
<p>Please verify your personal information listed above and immediately notify our office at the address or phone number listed below if there are any changes.</p> <p>You will be notified of the date and place of your interview when you have been scheduled by the local INS office. You should expect to be notified within 540 days of this notice.</p>			
<p><b>IMPORTANT NOTICE:</b> All naturalization applicants who were between the ages of 14-75 at the time of filing must have their fingerprints taken at an INS Application Support Center (ASC) so they can be submitted to the Federal Bureau of Investigation for a criminal history check. If we received your application without a fingerprint card (FD-258), or your fingerprint card was received on or after December 3, 1997, you will need to go to an ASC to be fingerprinted. Do not have your fingerprints taken anywhere else. You will receive a notice that will provide you with information about when and where to go to have your fingerprints taken, and what you will need to bring with you. Please inform the office listed below immediately of any address changes.</p>			
<p>If you have any questions or comments regarding this notice or the status of your case, please contact our office at the below address or customer service number. You will be notified separately about any other cases you may have filed.</p> <p>If you have other questions about possible immigration benefits and services, filing information, or INS forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call the NCSC TDD at 1-800-767-1833.</p> <p>If you have access to the Internet, you can also visit INS at <a href="http://www.ins.usdoj.gov">www.ins.usdoj.gov</a>. Here you can find valuable information about forms and filing instructions, and about general immigration services and benefits. At present, this site does not provide case status information.</p>			
INS Office Address: US IMMIGRATION AND NATURALIZATION SERVICE PO BOX 87400 LINCOLN NE 68501-		INS Customer Service Number: (800) 375-5283	
LIN\$000852173		APPLICANT COPY	





Fingerprint Notification			NOTICE DATE May 23, 2006
CASE TYPE N400 Application For Naturalization			INS A# A 076 403 742
APPLICATION NUMBER LIN*000905453	RECEIVED DATE May 08, 2006	PRIORITY DATE May 08, 2006	PAGE 1 of 1
<b>APPLICANT NAME AND MAILING ADDRESS</b> STEVE A JAZEH PO BOX 766 ROSEMONT IL 60018			
<b>ASC SITE CODE:</b> <u>XCA</u> <b>BIOMETRICS QA REVIEW BY:</b>  <b>TENPRINTS QA REVIEW BY:</b> <u>157789</u> ON <u>6/14/06</u>			
			
<p>To process your application, INS must take your fingerprints and have them cleared by the FBI. <b>PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED.</b> If you are unable to do so, complete the bottom of this notice and return the entire original notice to the address below. <b>RESCHEDULING YOUR APPOINTMENT WILL DELAY YOUR APPLICATION. IF YOU FAIL TO APPEAR AS SCHEDULED BELOW OR FAIL TO REQUEST RESCHEDULING, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.</b></p>			
<b>APPLICATION SUPPORT CENTER</b> CIS NORRIDGE 4701 N.CUMBERLAND AVE. SUITE B-D NORRIDGE IL 60706		<b>DATE AND TIME OF APPOINTMENT</b> 06/14/2006 12:00 PM	
<b>WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR FINGERPRINTS TAKEN, YOU MUST BRING:</b> <b>1. THIS APPOINTMENT NOTICE</b> and <b>2. PHOTO IDENTIFICATION.</b> Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, you will not be fingerprinted.			
<b>PLEASE DISREGARD THIS NOTICE IF YOUR APPLICATION HAS ALREADY BEEN GRANTED.</b>			
<b>REQUEST FOR RESCHEDULING</b>  Please reschedule my appointment for the next available: <input type="checkbox"/> Wednesday afternoon <input type="checkbox"/> Saturday afternoon  INS cannot guarantee the day preferred, but will do so to the extent possible. Upon receipt of your request, you will be provided a new appointment notice. Please mail your request to:  CIS NORRIDGE 4701 N.CUMBERLAND AVE. SUITE B-D NORRIDGE IL 60706  If you have any questions regarding this notice, please call 1-800-375-5283.			
APPLICATION NUMBER LIN*000905453		<b>APPLICANT COPY</b> 	
<b>WARNING!</b> <i>Due to limited seating availability in our lobby areas, only persons who are necessary to assist with transportation or completing the fingerprint worksheet should accompany you.</i>			





# FINGERPRINT NOTIFICATION RESCHEDULE NOTICE

R

N400

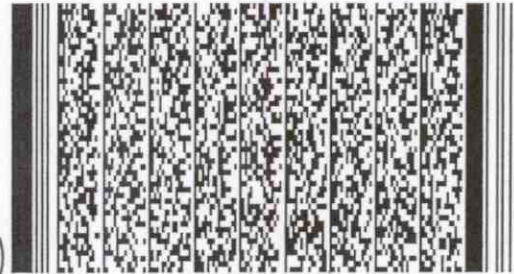
Date: 06/23/2006

JAZEH, STEVE A

8520 N GREENWOOD AVE

NILES, IL 60714

RECEIVED PROCESSING STAMP  
APPLICATION CODE: XCA  
BIOMETRICS QA REVIEW BY:



A Number: A076403742

DOB: 11/09/1956

Dear Applicant:

It has been determined that you must have your fingerprints retaken. You should appear at the date and time listed below to have your fingerprints retaken. We apologize for any inconvenience this may cause you. If you are unable to do so, complete the bottom of this notice and return the entire original notice to the address below. **Rescheduling your appointment will delay your application. If you fail to appear as scheduled below or fail to request rescheduling, your application will be considered abandoned.**

## APPLICATION SUPPORT CENTER

U.S. CITIZENSHIP & IMMIGRATION SERVICES

4701 N. CUMBERLAND AVE

NORRIDGE, IL 60706

## DATE AND TIME OF APPOINTMENT

07/26/2006 8:00 AM

WHEN YOU GO TO HAVE YOUR FINGERPRINTS TAKEN, YOU MUST BRING:

- 1) THIS LETTER.
- 2) PHOTO IDENTIFICATION. Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or state-issued photo ID. If you appear without proper identification, you will not be fingerprinted.

Please be reminded that you must bring this letter and proper photo identification to have your fingerprints taken, and prevent further delay in the processing of your application.

Please inform the office listed below immediately of any address changes.

If you have any questions regarding this notice, please feel free to call the Citizenship & Immigration Services CUSTOMER SERVICE NUMBER at 1-800-375-5283

**PLEASE DO NOT APPEAR MORE THAN 15 MINUTES BEFORE YOUR SCHEDULED APPOINTMENT TIME.**

## REQUEST FOR RESCHEDULING

Please reschedule my appointment for the next available: ☐ Wednesday afternoon ☐ Saturday afternoon.

The Citizenship & Immigration Services cannot guarantee the day preferred, but will do its best to accommodate you. Upon receipt of your request, you will be provided a new appointment notice. Please mail your request in to:

U.S. CITIZENSHIP & IMMIGRATION SERVICES  
4701 N. CUMBERLAND AVE  
NORRIDGE, IL 60706

**YOU MUST RETURN THIS ENTIRE NOTICE TO BE RESCHEDULED IN A TIMELY MANNER.**

Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the fingerprint worksheet should accompany you.

PACIN

7-23-06  
505-019-735

2628866100  
242242242

U.S. Department of Homeland Security  
USCIS  
101 West Congress Parkway  
Chicago, IL 60605



**U.S. Citizenship  
and Immigration  
Services**

Wednesday, August 15, 2007

STEVE JAZEH  
PO BOX 766  
ROSEMONT, IL 60018

Dear STEVE JAZEH:

On 08/09/2007 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

<b>Caller indicated they are:</b>	Applicant or Petitioner
<b>Attorney Name:</b>	Information not available
<b>Case type:</b>	N400
<b>Filing date:</b>	Information not available
<b>Receipt #:</b>	LIN*000905453
<b>Beneficiary (if you filed for someone else):</b>	JAZEH, STEVE
<b>Your USCIS Account Number (A-number):</b>	Information not available
<b>Type of service requested:</b>	Outside Normal Processing Times

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

U.S. Department of Homeland Security  
Nebraska Service Center  
P.O. Box 82521  
Lincoln, NE 68501-2521



**U.S. Citizenship  
and Immigration  
Services**

Wednesday, June 13, 2007

STEVE JAZEH  
P.O BOX 766  
DES PLAINES IL 60018

Dear Steve Jazeh:

On 02/26/2007 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

<b>Caller indicated they are:</b>	Applicant or Petitioner
<b>Attorney Name:</b>	Information not available
<b>Case type:</b>	N400
<b>Filing date:</b>	05/08/2006
<b>Receipt #:</b>	LIN*000905453
<b>Beneficiary (if you filed for someone else):</b>	Jazeh, Steve
<b>Your USCIS Account Number (A-number):</b>	A076403742
<b>Type of service requested:</b>	Outside Normal Processing Times

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

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U.S. Citizenship and Immigration Services